

JEAN A. WEIL, ESQ.  
Nevada Bar No. 6532  
THOMAS A. LARMORE, ESQ.  
Nevada Bar No. 7415  
WEIL & DRAGE, APC  
6085 West Twain Avenue, Suite 203  
Las Vegas, NV 89103  
(702) 314-1905 • Fax (702) 314-1909  
[jweil@weildrage.com](mailto:jweil@weildrage.com)  
[tlarmore@weildrage.com](mailto:tlarmore@weildrage.com)  
Attorneys for Defendant,  
A.Y. MCDONALD MFG. CO.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

HAFEN RANCH ESTATES, a Nevada Corporation; NYE COUNTY CONSTRUCTION, LLC, a Nevada Limited-Liability Company; and PAHRUMP UTILITY COMPANY, INC., a Nevada Corporation,

Plaintiffs,

vs.

KEVIN MCGINNIS, a Nevada Resident; THE FORD METER BOX COMPANY, INC., an Indiana Corporation; A.Y. MCDONALD MFG. CO., an Iowa Corporation; FERGUSON ENTERPRISES, INC., a Virginia Corporation; HD SUPPLY WATERWORKS, LP, a Florida Limited Partnership; U.S. FILTER DISTRIBUTION GROUP, INC., a Georgia Corporation; NATIONAL WATERWORKS, INC., a Texas Corporation; WFX, LLC d/b/a WESFLEX PIPE MANUFACTURING, a California Limited-Liability Company; CHEVRON PHILLIPS CHEMICAL COMPANY LP, a Texas Limited Partnership; DOES I – X; and ROE CORPORATIONS XI-XX,

Defendants.

Case No. 2:10-cv-187-LRH-RJJ  
**AFFIDAVIT OF THOMAS A. LARMORE, ESQ.**

**AFFIDAVIT OF THOMAS A. LARMORE, ESQ.**

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF CLARK         )

I, THOMAS A. LARMORE, ESQ. being first duly sworn, depose and say:

1. I have been retained as counsel for Defendant A.Y. MCDONALD MFG. CO. ("A.Y. McDonald") in the above-referenced matter. I am licensed to practice law in all Courts in the State of Nevada. I have personal knowledge of all facts and matters set forth herein, and if called as a witness, I could and would competently testify thereto.

2. On January 27, 2010, A.Y. McDonald was served with Plaintiffs' Summons & Complaint. The Summons with Affidavit of Service is attached hereto as ***Exhibit A***.

3. On February 11, 2010, Ferguson Enterprises, Inc. filed a Notice of Removal, removing this matter to federal court. The Notice of Removal is attached hereto as ***Exhibit B***.

4. That in a telephone conversation of February 26, 2010, Plaintiffs' counsel Michael Gayan granted A.Y. McDonald an extension until March 16, 2010 to file its response to Plaintiffs' complaint. This conversation was memorialized in a letter dated March 1, 2010, attached hereto as ***Exhibit C***.

5. That in a telephone conversation of March 15, 2010, Mr. Gayan granted A.Y. McDonald until March 23, 2010 to respond to Plaintiffs' complaint. This conversation was memorialized in a letter dated March 15, 2010, attached hereto as ***Exhibit D***.

6. That in a telephone conversation of March 22, 2010, Mr. Gayan granted A.Y. McDonald an extension until March 26, 2010 to respond to Plaintiff's complaint. This conversation was memorialized in a letter dated March 22, 2010, attached hereto as ***Exhibit E***.

7. That in a telephone conversation of March 26, 2010, Mr. Gayan granted A.Y. McDonald an indefinite extension to file its response to Plaintiffs' Complaint. This conversation was memorialized in a letter dated March 26, 2010, attached hereto as ***Exhibit F***.

///

///

1           8.       That on April 14, 2010, A.Y. McDonald filed a responsive pleading to Plaintiffs'  
2 Complaint. A.Y. McDonald's Motion to Dismiss; in the Alternative, Motion for More Definite  
3 Statement is attached hereto as **Exhibit G**.

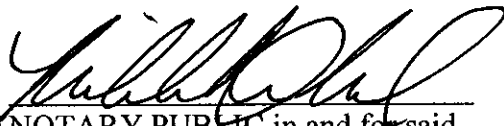
4           9.       That on April 20, 2010, A.Y. McDonald filed its Consent to Removal, attached  
5 hereto as **Exhibit H**.

6           FURTHER AFFIANT SAYETH NAUGHT.

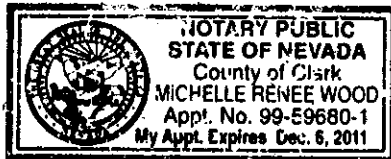
7  
8 

9  
10 Thomas A. Larmore, Esq.  
11 AFFIANT

12 SUBSCRIBED AND SWORN to before  
13 me this 17<sup>th</sup> day of June, 2010.

14 

15 NOTARY PUBLIC in and for said  
16 County and State



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of June, 2010, I electronically filed the foregoing **AFFIDAVIT OF THOMAS A. LARMORE, ESQ.** with the Clerk of the Court using the CM/ECF system which will automatically send e-mail notification of such filing to the attorneys of record in this litigation.

*/s/ Michelle R. Wood*

\_\_\_\_\_  
Michelle R. Wood, an Employee of  
WEIL & DRAGE, APC